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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,632	08/28/2000	Takayuki Yabu	001092	5763

23850 7590 12/21/2001

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[REDACTED] EXAMINER

JACKSON, CORNELIUS H

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2881

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/648,632	YABU, et al.
Examiner	Art Unit	
Cornelius H. Jackson	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 20) <input type="checkbox"/> Other: _____. |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura (JP 1-268078 A) [Applicant's prior art]. Itakura teaches a discharge electrode connecting structure for a laser apparatus **Figs. 6-7** comprising a pair of anode **105A** and cathode **105B** provided within a laser chamber **102** for sealing a laser gas in an opposing manner, generating a discharge so as to excite a laser gas flowing there between and oscillating a laser beam; a conductive anode base **106** holding the anode; an insulative cathode base **108** holding the cathode; and a return plate **109** electrically connecting the anode base to the laser chamber so as to supply a current to the anode, **as stated in Applicant's specification, page 1, paragraph 3 through page 3, line 5.** Itakura fails to teach the thick of the anode base equal to or between, 100 to 500 μm . It has been held that "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Regarding claim 2, Itakura teaches the return plate is arranged substantially in parallel to a gas flow of the laser gas flowing between the discharge electrode, **see specification, page 2, lines 20-26.**

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morton et al. (US 5771258 A) teach a discharge electrode connecting structure for a laser apparatus **Figs. 1 and 3** comprising a pair of anode **110** and cathode **108** provided within a laser chamber **102** for sealing a laser gas in an opposing manner, generating a discharge so as to excite a laser gas flowing there between and oscillating a laser beam; a conductive anode base **114** holding the anode; an insulative cathode base **118** holding the cathode; and a return plate **116** electrically connecting the anode base to the laser chamber so as to supply a current to the anode, **see col. 3, line 50-col. 4, line 15.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703)306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dzierzynski can be reached on (703)308-4782. The fax phone numbers for the organization where this application or proceeding is assigned are

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(703)308-7722 for regular communications and (703)308-7721 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703)308-
0956.

chj
December 17, 2001



Paul Ozierzynski
Supervisory Patent Examiner
Technology Center 2800